IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.17757 & 58 of 2006 and
CWP NO.15195 of 2006

DATE OF DECISION: October 27, 2006

S.R.Memorial Siksha Samiti

….Petitioner

VERSUS

State of Haryana and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Aman Chaudhary, Advocate for the petitioner.
Shri Ajai Gulati, AAG, Haryana for respondent No.1.
Shri Balram K. Gupta, Senior Advocate with
Shri Shireesh Gupta, Advocate for respondent No.2.
Shri Vinod S. Bhardwaj, Advocate for respondent No.3.

Viney Mittal,J.(Oral).

CM No.17757 of 2006

Notice of the application to the learned counsel for the non-applicants.

Shri Balram K. Gupta, the learned senior counsel appearing for the respondent University has no objection to the preponement of the case.

In view of the aforesaid fact, the prayer made in the application is allowed and the hearing of the main case is preponed. The main case is taken up for hearing today itself.

CM No.17758 of 2006

Prayer made in the application is allowed.

Documents Annexures P.12 and P.13 are taken on record.

CWP NO.15195 of 2006

The petitioner Society has approached this Court for the issuance of directions to the respondent University to consider and grant affiliation to the College run by the petitioner Society for B.Ed course for the session 2006-07.

The aforesaid claim has been made by the petitioner Society, on the basis of a recognition granted by National Council for Teacher Education on August 27, 2006 (Annexure P.3). The petitioner Society has averred that NCTE had granted the aforesaid conditional recognition to the petitioner Society subject to appointment of staff by a duly constituted Selection Committee with the requisite qualification as per norms and standards of NCTE and affiliating University.

Shri Aman Chaudhary, the learned counsel appearing for the petitioner Society has informed the Court that vide a subsequent communication dated September 29,2006, NCTE had granted conditional permission to the College to conduct B.Ed course of one year duration with effect from the session 2006-07 with an annual intake capacity of 100 students subject to appointment of staff as per regulations and ratification by the University. Shri Chaudhary has also relied upon the communication dated October 23, 2006 (Annexure P.12) issued by the Kurukshetra University whereby qualifications/appointment of the teaching staff recruited by the

petitioner Society has been ratified by the University. Shri Chaudhary

has also drawn our pointed attention to the constitution of Selection Committee (Annexure P.13) and has contended that the aforesaid Selection Committee comprised of representatives of Kurukshetra University also.

Shri Balram K. Gupta, the learned senior counsel appearing for the respondent University does not dispute the aforesaid facts. The factum of granting recognition by NCTE to the petitioner Society is even conceded by Shri Vinod S. Bhardwaj, the learned counsel appearing for respondent No.3.

As a matter of fact, Shri Gupta has very fairly conceded that in view of ratification (Annexure P.12) by the University with regard to the teaching faculty recruited by the petitioner Society, the petitioner Society is duly eligible for the grant of provisional affiliation and the University shall have no objection if the College is directed to be granted a provisional affiliation because of the recognition granted by NCTE.

In view of the fair stand taken by the respondents, we dispose of the present petition with a direction to the respondent No.2 Kurukshetra University to grant a provisional affiliation to the College run by the petitioner Society in terms of the recognition granted by NCTE for running B.Ed course of one year duration with effect from the session 2006-07 with an annual intake capacity of 100 students.

The present petition is disposed of accordingly.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

October 27, 2006
KD

(H.S. Bhalla)
Judge